

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES ODOM, on behalf of himself and all ) No. C03-2976P  
others similarly situated, )

Plaintiff, )

v. )

MICROSOFT CORPORATION, a )  
Washington corporation; BEST BUY CO., )  
INC., a Minnesota corporation, )

Defendants. )

**PARTIES' JOINT QUARTERLY  
REPORT DUE JANUARY 15, 2010**

Pursuant to this Court's Order Staying Action Pending Further Proceedings In Related  
Litigation, dated January 28, 2008, the parties jointly submit this quarterly report on the status  
of the related state court case *Odom v. Microsoft Corp.*, No. 04-2-10618-4 SEA ("State  
Action"), pending in the Superior Court of Washington for King County before the  
Honorable Douglass A. North.

As the parties previously notified this Court, in June 2007, Defendant Best Buy's then  
lead attorney, Timothy Block of the firm Robins, Kaplan, Miller & Ciresi L.L.P. ("RKMC"),  
admitted in the State Action to having altered documents produced to Plaintiffs and to having

1 deleted others. In August 2007, the State Court appointed a Special Master to identify and  
 2 produce responsive documents in the possession of RKMC and verify the firm's compliance  
 3 with discovery obligations. Production of responsive documents is ongoing.

4 In February 2008, the State Court expanded the Special Master's authority to include an  
 5 investigation of Best Buy's discovery conduct. The Special Master's Final Report concerning  
 6 that investigation was filed with the Court on June 18, 2009. Best Buy and RKMC filed  
 7 objections to the Report in July, and Best Buy filed a motion to strike the Report and a motion  
 8 for evidentiary hearing. The briefing on those objections and motions was completed on  
 9 September 25, 2009.

10 On January 8, 2010, the State Court issued rulings on the objections and the  
 11 motions. The Court ordered the parties to submit additional briefing on the discovery issues  
 12 and potential sanctions, and has scheduled oral argument on that briefing for March 26, 2010.

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 14  
 15 Dated: January 15, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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*Special Master in King County Superior Court Cause No. 04-2-10618-4 SEA*

DATED this 15th day of January, 2010.

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